

Amendment
Serial No. 10/015,709

Docket No. US010626

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-21 are pending and stand rejected.

Claims 1, 3, 4, 8, 10, 12, 13 and 14 have been amended. Claims 7 and 20 have been cancelled.

Claims 1-3, 6-8, 11-16 and 19-21 stand rejected under 35 USC 103(a) as being unpatentable over Ha (USP no. 6,490,724) in view of Ellis (USP no. 6,898,762). The Office Action states that, with regard to claims 1 and 14, Ha discloses an apparatus for obtaining for a user recommendation and rationale for that recommendation (such as same channel was watched at the same time of the week before) (fig. 1. S1). However, Ha does not disclose a means for generating an explicit profile of said user. Ellis does disclose a means for generating an explicit profile (col. 23, lines 61-63). Hence, at the time of the invention it would have been obvious to introduce the more sophisticated recommendation system, including user profiles of Ellis to the recommendation system of Ha.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to more clearly state the invention. More specifically, the claims have been amended to recite that the rationale is determined by analyzing said data in the explicit profile and attributes of received media programs and further that the rationale is provided in a conversational tone. No new matter has been added.

Support for the amendments may be found at least on page 8, lines 1-8, which state, in part, "Data relating to new shows are input and evaluated based on these attributes. ... When a new show is recommended the present invention will search to find a correlation between attributes of the recommended shown and attributes of shows in the consumption history or explicit profile." In addition the subject matter recited in dependent claim 7 has been added to the independent claims. Although, the subject matter of claim 7 was rejected citing the same references used in rejecting claim 1, for

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example, it will be shown that the subject matter recited in claim 7 is not disclosed or suggested in the cited references.

Ha discloses a method of analyzing/searching a user's viewing habit regarding serial broadcasting including the step of comparing a present time and channel with a habit database per predetermined time period, checking whether a present habit channel is viewed in case the present time is a time corresponding to the habit, terminating the operation when the habit channel is viewed and showing the channel information corresponding to the habit and displaying a message asking whether it is converted to the habit channel after showing the channel information. (see Abstract).

Hence, Ha teaches a system that utilizes time and channel as searching criteria and fails to teach or suggest using attributes of the program content as searching criteria.

Ellis discloses a client-server interactive television program guide system wherein a program guide client is implemented on user television equipment. The interactive television program guide provides users with an opportunity to define expressions that are processed by the program guide server to provide program guide data, schedules reminders, schedules program recordings, and parentally locks. User's viewing histories may be tracked. The program guide server may analyze the viewing histories and generate viewing recommendations, targets advertising and collects program rating information based on the viewing history. (see Abstract). Ellis further discloses, which is referred to into the instant Office Action, that "the program guide server may search its or another server's database for programs that are consistent with the viewing history." (see col. 23, lines 61-63).

However, Ellis fails to disclose that the attributes of the entries within the viewing history are analyzed to determine recommendations. More specifically, Ellis discloses that "[i]f desired, program guide server may find programs that are also consistent with preference profiles stored by program guide server. (see col. 23, lines 63-65). Ellis discloses that the preference profiles may be setup by the user (see col. 14, lines 25-65, which state, in part, [u]ser reference profile may include criteria such as preference attributes and preference levels. Preferences attributes may be organized by type.

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Attribute types and attributes may be retrieved by the program guide client from program guide server."

However Ellis fails to disclose that the attributes are attributes of the media content.

In addition, the Office Action recites that with regard to the subject matter recited in claim 7, Ellis discloses that the communication for said rationale to the user is performed is performed in a conversational tone (fig. 9b). However in a reading of the description of fig. 9, Ellis discloses that "[t]he program guide client may display criteria screen of Fig. 9b to provide a user with an opportunity to construct a natural language expression. The user may enter a natural language phrase, such as 'List in alphabetical order all action programs ...'" (see col. 13, lines 10-16). Hence, rather than providing a rationale in a conversational tone to the user, Ellis teaches that the user may query the recommendations using a natural language expression.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Neither Ha nor Ellis, individually or in combination, teach or suggest all the elements recited in the above referred-to claims. Hence, even if the teachings of Ha and Ellis were combined, the combined device would not include all the features recited in the independent claims. Furthermore, no motivation has been referred to in the teachings of Ha that would motivate one to incorporate the more sophisticated and complex teaching of Ellis into those of Ha.

Having shown that the combination of Ha and Ellis fails to teach all the elements claimed, applicant submits that the reason for the rejection has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of claim 1, for example.

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With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and have been rejected citing the same references used in rejecting claim 1. Accordingly, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of the independent claims. Thus, in view of the amendments made to the independent claims and for remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the independent claims, applicant submits that the reason for the rejection of these claims has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the remaining independent claims.

With regard to the remaining claims, these claims ultimately depend from the independent claims, which have been shown not to be rendered obvious, and allowable, in view of the cited references. Accordingly, the aforementioned dependent claims are also allowable by virtue of their dependence from an allowable base claim.

Claims 4, 5, 17 and 18 stand rejected under 35 USC 103(a) as being unpatentable over Ha (USP no. 6,490,724) in view of Ellis (USP no. 6,898,762) and Lawlor (USP no. 5,758,259).

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

Claims 4, 5, 17 and 18 depend from independent claims which have been shown not to be rendered obvious by the cited references. As shown, the combination of Ha and Ellis is deficient in reciting a material element of the invention recited in the independent claims and, contrary to the statements made in the Office Action, Lawler provides no teaching or suggestion to correct the deficiency noted in the combination of Ha and Ellis. Hence, even if there were some motivation to combine the teachings of the cited references, which applicant believes does not exist, the combined device of Ha, Ellis and Lawler fails to teach all the features recited in independent claim 1, for example.

Claims 9 and 10 stand rejected under 35 USC 103(a) as being unpatentable over Ha (USP no. 6,490,724) in view of Ellis (USP no. 6,898,762) and Graves (USP no. 5,410,344).

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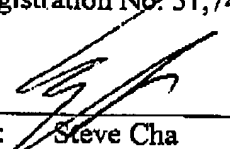
Claims 9 and 10 depend from the independent claims which have been shown not to be rendered obvious by the cited references. As shown, the combination of Ha and Ellis is deficient in reciting a material element of the invention recited in the independent claims and, contrary to the statements made in the Office Action, Graves provides no teaching or suggestion to correct the deficiency noted in the combination of Ha and Ellis. Hence, even if there were some motivation to combine the teachings of the cited reference, which applicant believes does not exist, the combined device of Ha, Ellis and Graves fails to teach all the features recited in independent claim 1, for example.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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